

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  WINSTAR WIRELESS, INC., AND WINSTAR COMMUNICATIONS, LLC	DOCKET NO. TCU-00-7
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**ORDER APPROVING TRANSFER OF APPLICATION**

(Issued March 26, 2002)

On May 15, 2000, the Utilities Board (Board) issued an order approving an application for a certificate of public convenience and necessity for Winstar Wireless, Inc. (Winstar Wireless), pursuant to Iowa Code § 476.29. Winstar Wireless has neither an approved tariff on file with the Board, nor a certificate to provide local exchange service in Iowa.

On February 11, 2002, Winstar Wireless filed a notification of a transfer of its assets to a new company, Winstar Communications, LLC (Winstar Communications). In addition, Winstar Wireless requested the Board transfer its approved application to Winstar Communications pursuant to Iowa Code 476.29(3).

Winstar Wireless states that the financial situation and managerial structure of Winstar Communications is different from those stated in Winstar Wireless' approved application. Winstar Wireless states that it is currently in Chapter 11 bankruptcy proceedings. Winstar Communications is a subsidiary of Winstar Holdings, LLC, which in turn is a subsidiary of IDT Corporation (IDT), a major long distance provider

in the United States. Winstar Wireless states that Winstar Communications has \$60 million to be used in the operation of its local exchange services and has additional resources from IDT if needed.

Iowa Code § 476.29(3) authorizes the transfer of a certificate upon approval by the Board. Based on the information provided by Winstar Wireless, the Board finds that Winstar Communications possesses the technical, financial, and managerial ability to provide local exchange service in Iowa, and that the transfer of Winstar Wireless' approved application to Winstar Communications is consistent with the public interest. The Board notes that Winstar Wireless' approved application has been on file since May 15, 2000, and no tariff has been filed since obtaining that approval. The Board requests Winstar Communications file a proposed tariff with the Board outlining the terms, conditions, and rates for providing local exchange service within six months of the issuance of this order or ask to withdraw its application.

**IT IS THEREFORE ORDERED:**

1. The request for the transfer of the approved application for a certificate of public convenience and necessity from Winstar Wireless, Inc., to Winstar Communications, LLC, filed on February 11, 2002, is approved as described in this order.

2. Winstar Communications, LLC, is requested to file a proposed tariff outlining the terms, conditions, and rates for providing local exchange service within six months of the issuance of this order.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 26<sup>th</sup> day of March, 2002.